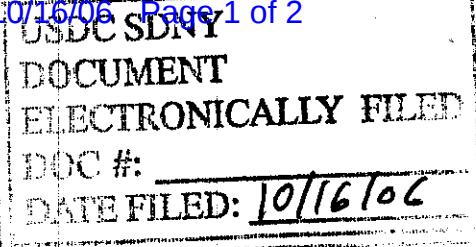


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE VIVENDI UNIVERSAL, S.A. : 02 Civ. 5571 (RJH) (HBP)
SECURITIES LITIGATION : ORDER
-----X-----

PITMAN, United States Magistrate Judge:

Judge Holwell has forwarded to me an August 17, 2006 letter from Michael E. Swartz, Esq. concerning the conditions under which the Hannezo deposition is to be conducted ("August 17 Swartz Letter") and an August 25, 2006 letter from Michael J. Malone, Esq. concerning the conditions under which the Messier deposition is to be conducted ("August 25, 2006 Malone Letter").

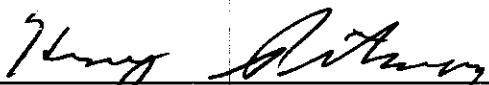
To date, I have not received any submissions from any other parties concerning the Hannezo and Messier depositions. I realize that this may be due to confusion over whether Judge Holwell or myself is addressing the matter. Since Judge Holwell has forwarded the letters described above to me and has referred the matter to me for general pretrial supervision, I conclude that this dispute has been referred to me in the first instance.

Accordingly, if any party wishes to respond to the August 17, 2006 Swartz Letter or the August 25, 2006 Malone Letter, such submission shall be made to my chambers no later than October 25, 2006.

Mr. Kerr is directed to have this Order faxed forthwith to all other plaintiffs' counsel. Mr. Swartz is directed to have this Order faxed forthwith to all other defendants' counsel.

Dated: New York, New York
October 16, 2006

SO ORDERED


Henry Pitman
HENRY PITMAN
United States Magistrate Judge

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